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DDI- 0215-83

10 January 1983

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Deputy Director for Intelligence *S*
Director of Global Issues

FROM: 25X1
Chief, Geography Division, OGI

SUBJECT: Interagency Proposal to the President on US
Oceans Policy Statement and Proclamation of a US
Exclusive Economic Zone 25X1

1. Action Requested: Your concurrence is sought on the attached draft Interagency Proposal for the President, which contains a Presidential decision memorandum on the Exclusive Economic Zone (EEZ), a draft Presidential Oceans Policy Statement, and a draft Presidential Proclamation of a US EEZ. SIG-level clearance of these documents by agency principals must be made by 3:00 p.m. Tuesday, 11 January. It can be phoned directly to Mr. Brian Hoyle, Special Assistant for Oceans and International Environmental and Scientific Affairs, Department of State, at 632-9098 or can be relayed via the undersigned on 25X1

Should it be necessary, a SIG meeting on the issue will be held at 10:00 a.m. Thursday, 13 January, in Room 7219 of the Department of State. Once SIG approval is given these papers will be forwarded to the NSC. 25X1

2. Background: Last month in Jamaica, 119 delegations to the Third United Nations Conference on the Law of the Sea (UNCLOS III) signed the Convention. The United States along with 22 other States, including the United Kingdom, the Federal Republic of Germany, Belgium, Italy, and Japan did not sign. In light of the US decision not to sign or even participate as an observer in the forthcoming meetings of the Preparatory Commission that will establish an international authority to regulate future deep seabed mining, it becomes imperative that the United States quickly determine and pursue an active oceans policy to demonstrate our position on oceans issues and to assure our rights through the exercise of our convictions. 25X1

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NSDD #58

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The attached documents were prepared by the Interagency Group for Oceans Policy and Law of the Sea which was directed by NSDD-58 to prepare recommendations on oceans policy and consider the proposition of a US EEZ. By declaring an EEZ, the United States will help to make this jurisdictional concept, which evolved during the UNCLOS III negotiations, a principle of customary international law and will bring within our jurisdiction resources consistent with such law.

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The EEZ which the Interagency Group is proposing follows the guidelines of the convention, but emphasizes high seas freedoms of navigation and overflight within the zone. The US EEZ would depart further from the Convention by claiming jurisdiction over neither tuna, a highly migratory species that moves in and out of the EEZ, nor the conduct of scientific research by foreign states.

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The oceans policy statement proposed by the Interagency Group reiterates US concerns for freedom of navigation and overflight through all ocean space. The statement also affirms the US commitment to continue to work with other countries outside of the UNCLOS III system to develop a deep seabed mining regime free of political and economic restraints. Furthermore, the statement declares that the United States will continue to allow its firms to explore for and exploit such minerals when the market permits. It may be another ten to 20 years before deep seabed mining is economically feasible. If there is to be a chance for US mining outside of the regime, the United States must vocally affirm its intentions now before the UNCLOS III system becomes recognized in international law as the only allowable system. Third World nations have threatened that if the US tries to work outside of the system they will take the case to the International Court of Justice.

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3. Recommendations: From an intelligence vantage the decision memorandum to the President adequately describes the current situation facing the United States in the aftermath of the Convention signing. We recommend that the Agency concur in passing this document to the NSC.

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So long as the United States makes a claim that follows UNCLOS III principles but is even less restrictive than these principles, there should be little, if any, unfavorable foreign reaction to a US EEZ. Claims, however, such as the recent Department of Interior claim to the Juan de Fuca Ridge, which may

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be interpreted as a ridge of oceanic origin and therefore beyond coastal state jurisdiction, could provoke some form of foreign retaliation, such as foreign attempts to hinder the navigation or overflight rights of US ships and aircraft. The Departments of State and Interior recognize the potential danger of the Juan de Fuca claim, and will attempt to resolve it with a public clarification statement at the time of the US EEZ Proclamation.

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Attachment:
As stated

CONCUR:

William J. Casey

Director of Central Intelligence

11 JAN 1983

Date

Concurrence phoned to

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SA / Oceans & Intl. Environment / Scientific Affairs,

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